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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,336	05/31/2000	William F. Reeves		2397

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William Reeves
PO Box 23
North Branford, CT 06471

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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11/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/583,336	Applicant(s) REEVES, WILLIAM F.	
	Examiner Tran Nguyen	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Notice to Applicant

This communication is in response to the communication filed 09/15/2008.

Pending claim(s): 58-77. Withdrawn claim(s): 1-57. Amended claim(s): 58, 65, 68, 71.

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method

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should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile
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Fax No. (571)____-____on (date).

(Typed or printed name of the person signing this
certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be
handwritten or typed. They must be signed, and the date must be the actual date
on which it is mailed or transmitted.

For the purpose of calculating extensions of time, the date shown on the
certificate will be construed as the date on which the paper was received by the
Office, regardless of the date the U.S. Postal Service actually delivers the
response, or the fax is "date-stamped" in. In this way, postal or transmission
delays do not affect the extension-of-time fee.

In the event that a communication is not received by the Office, applicant's
submission of a copy of the previously mailed or transmitted correspondence
showing the **originally** signed Certificate of Mailing or Transmission statement
thereon, along with a statement from the person signing the statement which
attests to the timely mailing or transmitting of the correspondence, would be
sufficient evidence to entitle the applicant to the mailing or transmission date of
the correspondence as listed on the Certificate of Mailing or Transmission,
respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other “receipt producing” forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to “tie-in” the receipt with the particular document allegedly submitted.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/14/2008 has been entered.

Response to Amendment

As per the objection to the amendment filed 03/19/2008 under 35 USC 132(a), this objection is hereby withdrawn because page 8 of the specification as originally filed clearly discloses:

The Interface

wand 1 is designed in Embodiment a) to include a housing, electrical power pads to
15 supply power to the BWD 2 via inductance or other non-contact means, data
transmission 8 and retrieval capacitance pads 9 to allow bi-directional flow of digital
data in a non-contact manner, a means of aligning the wand and BWD so as to
make positive mechanical alignment between the power 9 and data pads 8 .

As per the objection to the specification under 35 USC 112, paragraph imposed in the previous Office Action, this objection is hereby withdrawn for the same rationale above, and incorporated herein.

As per the rejection of claims 58-77 under 35 USC 112, first paragraph imposed in the previous Office Action, this rejection is hereby withdrawn for the same rationale above, and incorporated herein.

As per the rejection of claims 58-77 under 35 USC 112, second paragraph imposed in the previous Office Action, this rejection is hereby maintained in view of Applicant's failure to properly traverse this rejection.

Applicant is advised to review the suggested claim language at the end of this Office Action for suggestions on how to overcome this rejection.

As per the objection of claim 58 for informalities, this objection is hereby maintained in view of Applicant's failure to properly traverse this objection.

Priority

In the amendment filed 07/17/2007, Applicant makes the following amendments on page 4, 6:

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Figure 1 represents a flow chart of how the integral hardware components of the system would interface. Either the portable field unit, patient monitor module or base unit monitor can send or retrieve data from the Bodily Worn Devices (BWD) via the Interface Wand. In turn, either the Portable Field Unit or the Patient Monitor Module can also send data to and from the Base Unit Monitor via either telephone lines, wireless AM or FM transmission or any other appropriate transmission means. The interface wand is an integral part of the system for sending and retrieving data from the BWD. The Interface Wand has a means of simultaneously sending electrical power to the BWD via wireless inductance means while at the same time sending and retrieving data from the BWD via either optical or capacitance data transmission. The detailed disclosure of the art of the Interface Wand, and BWD, Internet and Website features, and other features, are hereby incorporated by reference under the US applications 09/578,664 and US patent 6,467,690, are covered in another US patent filing by this inventor (reference US-xxxx).

As previously mentioned the design and working mechanism of the Interface wand, as it relates to Bodily Worn Device or Card or Disk, is critical. The two devices and their working mechanisms as described herein are unique and novel. This inventor has also written and submitted a separate patent on the Digital Card and Disk and mechanisms

to read and transmit data and for means to access system medical records files using the Internet and website features, and other system features. Accordingly US patent 6,467,690 and application 09/578,664 are incorporated by reference herein. Figure 6 shows three typical embodiments of this invention and this is not to say that more embodiments do not exist. The Interface wand is designed in Embodiment a) to include a housing, electrical power pads to supply power to the BWD via inductance or other non-contact means, data transmission and retrieval capacitance pads to allow bi-directional flow of digital data in a non-contact manner, a means of aligning the wand and BWD so as to make positive mechanical alignment between the power and data pads.

Applicant also makes the following assertion on page 2 of the Remarks:

The Applicant also notes that its application 09/597,107 should be allowed to be incorporated by reference into this application. The original 09/583,336 application clearly references application 09/597, 107. It was only due to a clerical error by the applicant's office manager that application 09/597,107 was filed later than this application. Applications 09/597,107, 09/583,336 and 09/78,664 were all written at the same time, have related art, and the applications and specifications of each clearly reference these other respective applications.

The filing date of the instant pending application is 05/31/2000.

Application 09578664 was filed on 05/25/2000, and issued as US patent 7295988 on 11/13/2007.

Application 09288437 was filed on 04/08/1999, and issued as US patent 6467690 on 04/08/1999.

Application 09597107 was filed on 06/20/200, and issued as US patent 6747561 on 06/08/2004.

As discussed in the previous Office Action, application 09597107 was filed after the instant pending application, and therefore cannot be properly incorporated by reference into the instant pending application.

Insofar as applications 09578664, 09288437 are concerned, Examiner notes that Applicant amends the specification to incorporate these applications by reference more than 7 years after filing of the instant pending application.

Recognizing that Applicant is a *pro se* application, Examiner hereby acknowledges the incorporation of applications 09578664, 09288437 into the specification as originally filed.

Examiner notes that these references by incorporation do not materially affect the ability of the specification to provide support for the currently claimed subject matter under 35 USC 112, first paragraph to comply with the written description requirement.

Instead, Examiner relies on the incorporated references to provide support, if any, for the claimed subject matter under 35 USC 112, first paragraph

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as a showing of the level of ordinary skill in the art in compliance with the enablement requirement.

Examiner recognizes that while some of the showings by *pro se* Applicant may not technically comply with Office requirements, Examiner has provided a best-effort application of Office procedures in expediting prosecution of the instant pending application to final disposition.

In the interest of compact prosecution for *pro se* Applicant, Examiner hereby commences examination under the presumption that the claimed invention has adequate support under 35 USC 112, first paragraph.

Claim Objections

Claim 58 is objected to because of the following informalities: this claim does not end with a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim(s) 58-77 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 58-77, these claims are replete with errors.

For example, claim 58 recites “storing, retrieving, and organizing digital medical records and other vital personal information from bodily worn or carried storage devices that operate by means of an external power source”.

Claim 58 further recites “means of providing electrical power to said storage device form an external power source”.

First, this limitation lacks proper antecedent basis.

Second, Examiner cannot ascertain the scope of the “means for” limitations because neither the specification nor any of Applicant’s arguments clearly set forth the equivalent structure for performing the recited functionality.

In particular, Examiner cannot even determine if the recited “means for” limitations refer to hardware, software, or software embedded on hardware embodiments. This rationale applies to all “means for” limitations in claim 58.

For purposes of applying prior art, Examiner interprets this claim to recite hardware means.

Additionally claim 58 recites “other vital personal emergency information”.

Examiner cannot determine the scope of this limitation because this limitation is relative term, and the specification does not clearly provide the requisite guidance for determining what “other vital personal emergency information” incorporates.

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In particular, any information may be reasonably considered to be "vital" if the information is useful in an emergency situation.

For purposes of applying prior art, Examiner interprets this limitation to recite any data.

Additionally, claim 58 recites "any combination of contact and non-contact capacitance and inductance pads".

Examiner cannot clearly ascertain the list items intended by Applicant.

For purposes of applying prior art, Examiner interprets this claim to recite: "any combination of: (a) contact capacitance, (b) non-contact capacitance, and (c) inductance pads".

Many other claim limitations render the claims indefinite. Therefore, the claims are replete with errors.

Recognizing that Applicant is a *pro se* applicant, Examiner has provided suggested claim language to overcome this rejection. See the last section of this Office Action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claim(s) 58-77 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 58-77, these claims are rejected for substantially the same rationale as discussed in the section above.

In particular, these claims recite “means for” limitations; however, Examiner cannot determine if these limitations envelop nonstatutory embodiments, e.g. software *per se* embodiments.

Therefore, Examiner hereby indicates that to the extent that nonstatutory embodiments are enveloped in the claims, the claims are directed towards nonstatutory subject matter, and are therefore rejected under 35 USC 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim(s) 58-62, 64-66, 68-71, 73-74, 76-77 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Yeager (WO 97/22297, copy provided in the Office Action mailed 06/21/2002).

As per claim 58, Yeager teaches a computer system for storing, retrieving, and organizing digital medical records and other vital personal information from bodily worn or carried storage devices that operates by means of an external power source (see below for a description of the power source), the system comprising:

(a) a storage device that is carried or worn capable of storing digital medical records and other vital personal emergency information of the user (page 3 line 14-16);

(b) battery power (reads on "an external power source" because the battery is a modular item capable of being separated from the storage device) (page 6 line 30).

Insofar as the remainder of the claim is concerned, the applied art need not teach these limitations in view of the optional limitations recited therein.

Yeager further teaches:

(c) means for rapid access, reading, writing, erasing, and updating of said digital medical records and personal data of said user stored in said portable device (page 3 line 22 to page 4 line 2);

(d) means for docking or porting said storage device to portable or stationary computer devices to access, view and manage said records and personal information (page 5 line 17-26);

(e) built-in power (page 6 line 30) and Dallas Semiconductor 19XX family of Touch Memory devices (reads on "transmitting data... via... inductance pads")

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(page 7 line 17-19), wherein memory is SRAM or EPROM (reads on “simultaneously transmitting data and electrical power”) (page 7 line 5-6);

(f) means for recognizing and authenticating said storage device, via a unique digital identifier unique to said storage device and stored in said storage device, when said storage device is ported to said computer devices (page 5 line 29, page 7 line 11-13, page 12 line 4-6);

(g) means for bi-directional flow of data to and from said storage device from any of said computer devices (page 11 line 9 to page 12 line 7);

(h) means to access, display, and update said digital records within said storage device via a wireless telecommunications modality (page 5 line 18-21).

Insofar as the remainder of the claim is concerned, the applied art need not teach these limitations in view of the optional limitations recited therein.

Yeager further teaches:

(i) unique markings on the exterior of said portable device indicating it contains said medical records or vital personal information of said user (Figure 2, note the medical symbol included on the bracelet);

(j) means to organize said records and vital personal information in page or template format for ease of viewing and use (page 7 line 23-27).

As per claim 59, Yeager teaches said storage device and said computer devices are enclosed in a rugged, weatherproof case or enclosure (page 6 line 15-18).

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As per claim 60 teaches said storage and access of said digital records from said data storage device is via non-volatile memory (page 7 line 4-8).

As per claim 61, Yeager teaches said portable computers include at least other portable computer devices (page 5 line 18-20).

Insofar as the remainder of the claim is concerned, the applied art need not teach these limitations in view of the optional limitations recited therein.

As per claim 62, Yeager teaches said stationary computers include at least personal computers (page 5 line 5-9).

As per claim 64, Yeager teaches said portable storage device contains software for seamless and rapid communication and transfer of data to and from said computer devices (page 13 line 17-21).

As per claim 65, Yeager teaches a battery (reads on "a battery pack) (page 7 line 5).

Insofar as the remainder of the claim is concerned, the applied art need not teach these limitations in view of the optional limitations recited therein.

As per claim 66, Yeager teaches said means for porting includes porting connections including at least other porting modalities (page 8 line 5-6).

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It is noted that Examiner adopts the interpretation discussed in on page 3 paragraph 8 of the previous Office Action, and incorporated herein: "For the purpose of applying art, Examiner interprets this limitation to recite "wherein said means for porting includes a porting connection including at least one of serial ports, optical ports, docking stations, USB ports, and other porting modalities.""

Insofar as the remainder of the claim is concerned, the applied art need not teach these limitations in view of the optional limitations recited therein.

Claims 68-71, 73-74, and 76-77 recite substantially similar limitations to those addressed in claims 58-62, 64, and 66, and, as such, are rejected for similar reasons as given above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim(s) 63, 67, 72 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager in view of Linder (6681003).

As per claim 63, Yeager does not teach “said digital records and personal information are encrypted for security and to limit access to authorized system users”.

Linder teaches a portable storage device that stores digital patient records and wherein said digital records and personal information are encrypted for security and to limit access to authorized system users (column 3 line 54-55).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Linder within the embodiment of Yeager with the motivation of providing enhanced protection for sensitive patient information.

As per claim 67, Yeager does not teach linking said storage device and said computer devices to a website and said digital records and personal information are accessible from a website via a security password unique to said portable device user.

Linder teaches linking a storage device and computer devices to a website and utilizing a security password to access information at the website (column 3 line 45-61).

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At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of Linder within the embodiment of Yeager with the motivation of providing enhanced protection for sensitive patient information.

As per the set of claim(s): 72, this set of claim is rejected for substantially the same rationale as applied to the rejection of the set of claim(s): 63, respectively, and incorporated herein.

Claim(s) 75 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager in view of Applicant Admitted Prior Art (AAPA).

It is noted that the official notice taken in the previous Office Action is taken to be AAPA because Applicant failed to adequately traverse Examiner's assertion.

As per claim 75, Yeager not teach performing the authentication by comparing a biometric characteristic of said user that is stored in said storage device to a database of said user biometric characteristics stored in said computer system.

AAPA teaches that authentication through biometric characteristic comparison is old and well known in the art. For example, it was old and well known in the art to perform fingerprint biometric authentication at the time of the invention.

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At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the teachings of AAPA within the embodiment of Yeager with the motivation of providing enhanced security to sensitive patient information.

Response to Arguments

Applicant's arguments filed 08/14/2008 have been fully considered but they are not persuasive.

As to all pending claims, Applicant argues that the applied art do not teach "that operates by means of an external power source".

First, as discussed above, Examiner encounters great difficulty in determine the "means for" limitations.

Additionally, it is not clear what "external" means with respect to the storage device.

Does Applicant intend to argue that the power source is external to the shell of the device, or that the power source is a modular component that may be separable from the device?

As discussed above, Yeager teaches a battery that may be removed from the device.

Therefore, the applied art teaches at least one embodiment of the claimed invention.

Suggested Claim Amendment

The following claim has drafted by the examiner and considered to overcome all the objections and non-art rejections in this application while maintaining the same scope contemplated by Applicant as best determined by Examiner, and is presented to applicant for consideration:

A system capable of storing, retrieving, and organizing digital medical records and other personal information, comprising:

(a) a storage device capable of being carried or worn by a user, wherein the storage device is capable of storing digital medical records and other personal information, wherein the stored digital medical records and other personal information are capable of facilitating emergency medical treatment of the user;

(b) a power source external to the storage device capable of providing electrical power to the storage device;

(c) a computer processor embedded on the storage device, wherein the processor is programmed for accessing, reading, writing, erasing, and updating said digital medical records and said other personal data of said user stored in said portable device;

(d) a first hardware component capable of docking or porting said storage device to portable or stationary computer devices, wherein said computer device are capable of accessing, viewing and managing said digital medical records and said other personal information;

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(e) a second hardware component capable of simultaneously transmitting data and electrical power to and from said storage device during said docking or porting via non-contact capacitance;

(f) a third hardware component capable of recognizing and authenticating said storage device via a unique digital identifier unique to said storage device when said storage device is docked or ported to said computer devices, wherein the unique digital identifier is stored in said storage device;

(g) a fourth hardware component capable of providing bi-directional flow of data to and from said storage device from any of said computer devices;

(h) a fifth hardware component capable of accessing, displaying, and updating said digital records within said storage device via a modem, Internet, central Web site, or wireless communications modality;

(i) markings on the exterior of said portable device, wherein said markings are capable of indicating that the said portable device contains said digital medical record or said other personal information of said user;

(j) a sixth hardware component capable of organizing said digital medical records and said other personal information in page or template format for viewing and use.

Applicant is advised that the claim as drafted has not been searched because Applicant has not approved such claim amendment. The suggested claim amendment simply overcomes the outstanding objections and rejections by

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presenting one of many possible claimed embodiments as best understood by Examiner.

Based on the best available art of record and preliminary searching done by Examiner, Yeager does not teach “simultaneously transmitting data and electrical power to and from said storage device during said docking or porting via non-contact capacitance”.

Reeves (6747561) teaches providing wireless electrical power (Abstract and throughout); however, Reeves does not qualify as prior art against the instant pending application due to the filing date of the 6747561 application.

It is noted that Reeves is also the same inventor as that of the instant pending application.

An examination of this application reveals that applicant may not be unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under “Attorney and Agent Roster.” Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED,

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Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA
22313-1450

Conclusion

Examiner has provided a best-effort examination of the instant pending application. Applicant is invited to contact Examiner to obtain suggestions on how to expedite prosecution for Applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran (Ken) N. Nguyen whose telephone number is 571-270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./
Examiner, Art Unit 3626
10/21/2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626